

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## **MEMORANDUM AND ORDER**

In response to a putative class-action brought by plaintiff Michael Seefeldt, defendants Entertainment Consulting International, LLC. and Outfield Brew House, LLC. have challenged the constitutionality of a portion of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, which regulates the use of automated telephone dialing systems. Defendants argue the TCPA violates both the First and Fifth Amendments of the Constitution of the United States.

Pursuant to 28 U.S.C. § 2403(a) and Federal Rule of Civil Procedure 5.1(b), this Court hereby certifies the constitutional challenge to 47 U.S.C. § 227 to the Attorney General of the United States. The United States is granted leave to intervene in the present action for purposes of presenting evidence and argument on the constitutional

challenge. Per this Court's prior Order, the United States shall have until July 13, 2019, to decide whether it will intervene.

The clerk is directed to provide a copy of this Order, along with copies of defendants' motion to dismiss and supporting brief (#14, 15), plaintiff's response in opposition (#29), and defendants' reply (#30), to the United States Attorney General.

**IT IS SO ORDERED** this 30th day of May, 2019.



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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE